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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,637	03/29/2004	Don S. Karterman	1011-P-2	3491
Gregory J. Nelson NELSON & ROEDIGER Suite 212 3333 E. Camelback Road Phoenix, AZ 85018				
7590 03/03/2008			EXAMINER HARRINGTON, ALICIA M	
			ART UNIT 2873	PAPER NUMBER
			MAIL DATE 03/03/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/812,637

Applicant(s)

KARTERMAN, DON S.

Examiner

Alicia M. Harrington

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-41 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

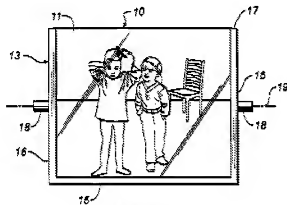


FIG. 3

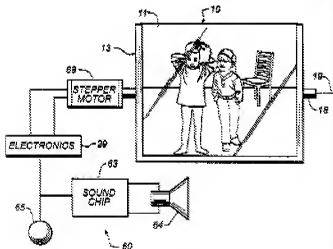


FIG. 10

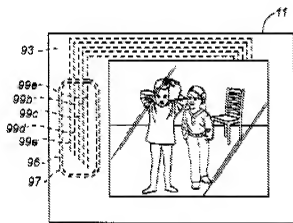


FIG. 14a

Claims 1-4, 7, 9-14, 16-18, 26-27, 30-32, 39-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Vachette et al (US 6,532,690).

Regarding claim 1, Vachette discloses a display device comprising:

(a) a lenticular lens assembly having an associated graphic component whereby different images are presented to a viewer from different viewing angles (11-col. 4, lines 29-45); (b) motion imparting means for moving said lens in a predetermined path to change the viewing angle (18, 19 for example); and (c) means for actuating said motion imparting means—see figures 3-6, 7, 10, 12, 14, 16; and col. 2, lines 62-67, col. 3, col. 4, lines 15-27, col. 5, lines 1-37, col. 6, lines 1-30.

Regarding claim 2, see figures 3-6, 14 and 15—col. 6, lines 25-38 and col. 7, lines 50-67 and col. 8, lines 1-10.

Regarding claim 3, sound chip 43—figure 14.

Regarding claim 4, see col. 7

Regarding claim 7, see col. 7, lines 1-26.

Regarding claim 9, see figure 3.

Regarding claim 10-11, see figures 1 and 10.

Regarding claim 12, the embodiment of figure 15.

Regarding claim 13, see Examiner's notes in claim 1. See also the embodiments of figures 10 or 14.

Regarding claims 14, 16, and 17, see figure 3 and 10.

Regarding claim 18, see figure 14.

Regarding claims 26- 27, #65 or #96.

Regarding claims 30-32, see col. 6, lines 25-38 and col. 7, lines 50-67.

Regarding claims 39-41, see Examiner's notes in claim 1 and the embodiment of figure 16-col. 8.

Claims 1, 8-10, 13-17, 30 are rejected under 35 U.S.C. 102(b) as being anticipated by McKinley (US 2002/0163732).

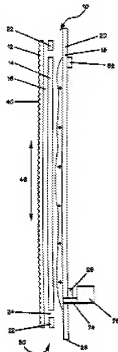


Figure 2

Regarding claim 1, Mc Kinley discloses a display device comprising:

(a) a lenticular lens assembly (12) having an associated graphic component (14) whereby different images are presented to a viewer from different viewing angles (section 68-70); (b) motion imparting means for moving said lens in a predetermined path to change the viewing angle (26-section 49-50; and (c) means for actuating said motion imparting means (see section 50 and figure 8).

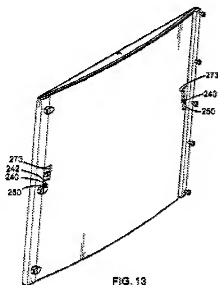
Regarding claim 13, See Examiner's notes in claim 1 and figure 8.

Regarding claim 8-10, 14-16, and 30-see section 49-68.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.



Claims 1, 9-11, 13, 14, 16, 17, 35-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Lavery (US 6,865,033).

Regarding claim 1, Lavery discloses a display device comprising:

(a) a lenticular lens assembly (21) having an associated graphic component (20) whereby different images are presented to a viewer from different viewing angles (col. 6, lines 20-52); (b) motion imparting means for moving said lens in a predetermined path to change the viewing angle (col. 6, lines 40-50); and (c) means for actuating said motion imparting means (col. 6, lines 40-50).

Regarding claim 9, see figure 13

Regarding claim 10 and 11, see col. 6, lines 20-52.

Regarding claim 13, see figure 13.

Regarding claim 14, side panels.

Regarding claim 16-17, see figure 13 and col. 6.

Regarding claims 35 and 37, the covers can be lenticulars or a transparent sheet.

Regarding claims 36 and 38, see figures 1 and 13.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, 19-21, 22-25, 28,29,33,34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vachette (US 6,532,690).

Regarding claim 5, Vachette teaches a switch engaging/synchronizing the display with the audio. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a multiplicity of switches, since it has been

held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. V. Bemis Co.*, 193 USPQ 8.

Regarding claim 6, Vachette discloses an embodiment (other than the embodiments of figure 3, 10 and 14) where the message is on a computer (programmable processor). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include this feature, since it would be the function equivalent to a pre recorded message on a memory device and it would allow for increase functionality.

Regarding claim 19 and 21, each embodiment has audio with a power source, speaker and a form of a controller (microprocessor) to synchronize the image with the audio. Vachette discloses an embodiment (other than the embodiments of figure 3, 10 and 14) where a proximity switch is included. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include this feature, since it turns on the audio automatically when a user/person is in the vicinity- added functionality/marketability.

Regarding claim 20, Vachette discloses an embodiment (other than the embodiments of figure 3, 10 and 14) where the message is on a computer (programmable processor). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include this feature, since it would be the function equivalent to a pre recorded message on a memory device and it would allow for increase functionality.

Regarding claim 22-25, each embodiment has audio with a power source, speaker and a form of a controller (microprocessor) to synchronize the image with the audio. Vachette discloses a frame format, as illustrated in figure 10. Vachette fails to specifically disclose the door where a switch means is engagable as the door moves. However Vachette discloses the claimed invention except for the claimed frame with a door and switch means engagable with the door. It would have been an obvious matter of design choice to include this feature, since applicant has not disclosed that this feature solves any stated problem or is for any particular purpose and it appears that the invention would perform equally as well.

Regarding claims 28-29 and 33-34, Vachette fails to specifically disclose the motion sensor is light sensitive or an infrared sensor. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include this feature, since it would be the function equivalent motion sensor and these are well known/used motion sensors; thus, a readily available component for production of the display system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Harrington whose telephone number is 571 272 2330. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571 272 2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alicia M Harrington/
Primary Examiner
Art Unit 2873

AMH